IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SHOW CAUSE NOTICE NO. 1137 OF 2005

IN

SUIT NO. 686 OF 2001

WITH

NOTICE OF MOTION NO. 514 OF 2001

Mrs. Mukul H. Ghia & Ors. .. Plaintiffs.

vs.

Kamalnayan H. Javeri

& Ors. .. Defendants.

Mr. B.A. Desai, Additional Solicitor General

a/w A.S. Rao on S.C.N.

Mr. Bharat Vaishnawa for plaintiffs.

Mr. Ketan Parikh i/by Shah & Sanghvi

for defendant no. 1.

Ms. K.C. Nichani i/by Anita Dhanuka

for defendant no. 2.

CORAM : S.U. KAMDAR, J.

DATE : 1st SEPTEMBER, 2005.

P.C.

. Show Cause Notice No. 1137 of 2005 is discharged on the assurance of Mr. Desai, the

learned Senior Advocate, that the concerned Commissioner of Income-tax will cooperate with the matter. I also place on record that Mr. Desai is kind enough to cooperate and get the relevant officers present in Court along with the person who has prepared the panchanama in the present case. I have requested Mr. Desai to make the person to remain present who has made the panchanama for the purpose of resolving the controversy in the matter of identifying the person who has taken possession of jewellery from the Income-Tax Commissioner at 3.00 p.m. today. In the meanwhile the Prothonotary & Senior Mater, High Court Bombay, is directed to intimate telephonically the concerned partner from the office of the Little & Co. who is handling the case in Notice of Motion NO. 514 of 2001 in Suit No. 686 of 2001 to remain present in Court today at 3.00 p.m. The matter will be taken up a 3.00 p.m. for further orders. Defendant no. 2 has tendered the address of the defendant no. 3 which is taken on record. In so far as the defendant no. 1 is concerned, the learned counsel appearing for defendant no. 1 sought adjournment so as to make his client available in Court in pursuance of the earlier orders passed by this Court. The date will be fixed at 3.00 p.m. today so as to make the defendant no. 1 available on the next date. The other officers of the Income-tax Department need not remain present on the next date. Today defendant

no. 2 is present in Court. Mr. Ghorpade who is present handed over jewellery has stated that the defendant no. 2 is not the person concerned in whose possession the said jewellery was left pursuant to the panchanama dated 14.12.1999.